

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Toth, et al.

H.B. No. 1495

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorization for the creation of a county ethics  
3 commission in certain counties and to authorizing counties to adopt  
4 a code of ethics for their commissioners courts.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act shall be cited as the J D Lambright  
7 Local Government Ethics Reform Act.

8 SECTION 2. Section 161.001, Local Government Code, is  
9 amended to read as follows:

10 Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter  
11 applies only to:

12 (1) a county that:

13 (A) [~~(1)~~] has a population of 800,000 or more;

14 (B) [~~(2)~~] is located on the international  
15 border; and

16 (C) [~~(3)~~] before September 1, 2009, had a county  
17 ethics board appointed by the commissioners court;

18 (2) a county that:

19 (A) has a population of 425,000 or more;

20 (B) is adjacent to a county with a population of  
21 3.3 million or more; and

22 (C) contains a portion of the San Jacinto River;

23 and

24 (3) a county that has a population of less than 40,000

1 that is adjacent to a county with a population of more than 3.3  
2 million.

3 SECTION 3. Section 161.002(8), Local Government Code, is  
4 amended to read as follows:

5 (8) "County public servant" means a person elected,  
6 selected, appointed, employed, or otherwise designated as one of  
7 the following, even if the person has not yet qualified for or  
8 assumed the duties of office:

9 (A) a county officer or county employee;

10 (B) a person appointed by the commissioners court  
11 or a county officer to a position on one of the following, whether  
12 the position is compensated or not:

13 (i) an authority, board, bureau,  
14 commission, committee, council, department, district, division, or  
15 office of the county; or

16 (ii) a multi-jurisdictional board;

17 (C) an attorney at law or notary public when  
18 participating in the performance of a governmental function; or

19 (D) ~~[a candidate for nomination or election to an~~  
20 ~~elected county office; or~~

21 ~~[(E)]~~ a person who is performing a governmental  
22 function under a claim of right although the person is not legally  
23 qualified or authorized to do so.

24 SECTION 4. Chapter 170, Local Government Code, is amended  
25 by adding Section 170.002 to read as follows:

26 Sec. 170.002. CODE OF ETHICS FOR CERTAIN COMMISSIONERS  
27 COURTS. (a) This section applies to a county that has a population

1 of less than 40,000 that is adjacent to a county with a population  
2 of more than 3.3 million.

3 (b) The commissioners court of a county subject to this  
4 section may adopt by order a code of ethics that provides standards  
5 of conduct for members of the commissioners court.

6 (c) If a commissioners court of a county subject to this  
7 section adopts a code of ethics under this section, the code of  
8 ethics must require each member of the commissioners court to file a  
9 conflicts disclosure statement that is in addition to the statement  
10 required by Section 176.003.

11 SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2019.

# ADOPTED

MAY 22 2019

FLOOR AMENDMENT NO. 1

*Satya Sew*  
Secretary of the Senate

BY:

*Brandon Coe*

1 Amend H.B. 1495 (senate committee report) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. Subchapter C, Chapter 161, Local Government Code,  
5 is amended by adding Section 161.107 to read as follows:

6 Sec. 161.107. DISCLOSURE OF CERTAIN CONTRACTS. (a) The  
7 commission shall prominently display on the county's Internet  
8 website the following regarding contracts for services executed by  
9 the county that would require a person to register as a lobbyist  
10 under Chapter 305, Government Code:

11 (1) the execution dates;

12 (2) the contract duration terms, including any  
13 extension options;

14 (3) the effective dates;

15 (4) the final amount of money the county paid in the  
16 previous fiscal year;

17 (5) the identity of all parties to the contract;

18 (6) the identity of all subcontractors in the contract;

19 and

20 (7) the legislative agenda of the county.

21 (b) In lieu of displaying the items described by Subsections  
22 (a) (1)-(6) regarding a contract for services that would require a  
23 person to register as a lobbyist under Chapter 305, Government  
24 Code, the commission may post on the county's Internet website the  
25 contract executed by the county for those services.

26 (c) Information required to be displayed on a county's  
27 Internet website under this section is public information subject  
28 to disclosure under Chapter 552, Government Code.

29 SECTION \_\_\_\_\_. Section 2252.908(b), Government Code, is  
30 amended to read as follows:

1 (b) This section applies only to a contract of a governmental  
2 entity or state agency that:

3 (1) requires an action or vote by the governing body of  
4 the entity or agency before the contract may be signed; ~~[or]~~

5 (2) has a value of at least \$1 million; or

6 (3) is for services that would require a person to  
7 register as a lobbyist under Chapter 305.

8 SECTION \_\_\_\_\_. Section 140.0045, Local Government Code, is  
9 amended to read as follows:

10 Sec. 140.0045. ITEMIZATION OF CERTAIN ~~[PUBLIC NOTICE]~~  
11 EXPENDITURES REQUIRED IN CERTAIN POLITICAL SUBDIVISION BUDGETS.

12 (a) Except as provided by Subsection (b), the proposed budget of  
13 a political subdivision must include, in a manner allowing for as  
14 clear a comparison as practicable between those expenditures in  
15 the proposed budget and actual expenditures for the same purpose  
16 in the preceding year, a line item indicating expenditures for:

17 (1) notices required by law to be published in a  
18 newspaper by the political subdivision or a representative of the  
19 political subdivision; and

20 (2) directly or indirectly influencing or attempting to  
21 influence the outcome of legislation or administrative action, as  
22 those terms are defined in Section 305.002, Government Code ~~[that~~  
23 ~~allows as clear a comparison as practicable between those~~  
24 ~~expenditures in the proposed budget and actual expenditures for~~  
25 ~~the same purpose in the preceding year].~~

26 (b) Subsection (a)(1) ~~[This section]~~ does not apply to a  
27 junior college district.

**ADOPTED**

FLOOR AMENDMENT NO. 2

<sup>VV</sup>  
MAY 22 2019

BY:

Brandon Coe

*Leta Spaw*  
Secretary of the Senate

- 1 Amend H.B. No. 1495 (senate committee printing) as follows:
- 2 (1) Strike SECTION 2 of the bill, amending Section 161.001,
- 3 Local Government Code (page 1, lines 25 through 43), and substitute
- 4 the following appropriately numbered SECTION to the bill:
- 5 SECTION \_\_. Section 161.001, Local Government Code, is
- 6 repealed.
- 7 (2) Strike SECTION 3 of the bill, amending Section 161.002(8),
- 8 Local Government Code (page 1, line 44 through page 2, line 3).
- 9 (3) Strike SECTION 4 of the bill, adding Section 170.002,
- 10 Local Government Code (page 2, lines 4 through 17).
- 11 (4) Renumber the SECTIONS of the bill accordingly.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB1495** by Toth (Relating to authorization for the creation of a county ethics commission in certain counties and to authorizing counties to adopt a code of ethics for their commissioners courts.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would amend the Government Code and the Local Government Code to modify an existing authorization for commissioners courts in certain counties to adopt a code of ethics and to require the disclosure of certain contracts and certain budgeted expenses by certain government entities.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** WP, CMA, SD, GP, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 16, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1495** by Toth (Relating to authorization for the creation of a county ethics commission in certain counties and to authorizing counties to adopt a code of ethics for their commissioners courts.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend the Local Government Code to add additional counties to an existing authorization to create a county ethics commission and to authorize commissioners courts in certain counties to adopt a code of ethics.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** WP, CMa, SD, GP, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 17, 2019**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1495** by Toth (Relating to authorization for the creation of a county ethics commission in certain counties.), **Committee Report 1st House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to add additional counties to an existing authorization to create a county ethics commission.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** WP, AF, SD, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 2, 2019**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1495** by Toth (Relating to authorization for the creation of a county ethics commission in certain counties.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the Local Government Code to add additional counties to an existing authorization to create a county ethics commission.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** WP, AF, SD, GP